

**DOCKET NO: ISIS0166-100 (RTS-0147)****PATENT****REMARKS**

Claims 1, 2, 4-10, and 12-15 are pending in the present application. Claims 1, 5, 7, and 9 have been amended herein. Support for amended claim 1 can be found in, for example, canceled claims 4, 6, and 8. Claims 5, 7, and 9 have been amended to depend from claim 2. No new matter has been added. Claims 4, 6, and 8 have been cancelled herein without prejudice to their presentation in another application. Upon entry of the present amendment, claims 1, 2, 5, 7, 9, 10, and 12-15 will be pending. **Because the amendments to the claims remove issues for appeal (i.e., anticipation/obviousness rejections), Applicants respectfully request that they be entered into the record. See M.P.E.P. §714.12.**

The Examiner has indicated that claims 4-10, 13 and 15 would be allowable if rewritten in independent form to include all of the features of the base claim and relevant intervening claims, if any. Applicants submit that all claims are now in condition for allowance.

As a preliminary matter, Applicants' undersigned representative would like to thank the Examiner for the telephonic interview on October 5, 2004 with Dr. Les Overman and Dr. Donna Ward. The Examiner took the position that the term "modification", given its broadest interpretation, would include a substitution of a nucleobase with another canonical nucleobase (e.g., substitution of a "T" by an "A"). Applicants' representative disagreed with the position taken by the Examiner because, for example, the specification distinguished canonical substitutions from modifications. Consequently, no agreement was reached on this issue. Nevertheless, claim 1 has been amended to recite that the compound comprises at least one internucleoside linkage, sugar moiety, or nucleobase modification, which was agreed to by the Examiner. The Examiner agreed that the amendment to claim 1 would place the claims in condition for allowance and, thus, would be entered. Applicants' representatives are grateful for the Examiner's time and diligence.

**I. The Claimed Invention Is Novel and Not Obvious**

Claims 1, 2, 12 and 14 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly being obvious over International Publication WO 99/65928 A2 (hereinafter, the "Roberts reference"). Claims 1, 2,

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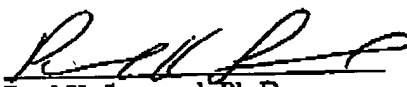
12 and 14 are also rejected under 35 U.S.C. §102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly being obvious over International Publication WO 02/10217 A (hereinafter, the "St. Croix reference"). Applicants traverse the rejection and respectfully request reconsideration in view of the amended claims.

Applicants remarks regarding these two rejections presented in the response filed August 24, 2004 are incorporated herein by reference in their entirety for the sake of brevity. None of the references of record anticipate or render obvious the pending claims. Indeed, claim 1 has been amended to recite the features of claim 4, 6, or 8. Since claims 4, 6, and 8 were deemed to be in condition for allowance, claim 1 is now also in condition for allowance.

## **II. Conclusion**

The claims are in condition for allowance. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned representative at (215) 665-6914 to clarify any unresolved issues raised by this response.

Respectfully submitted,

  
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